

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

MICHELLE DOWNS,

Plaintiff,

vs.

DOLLAR TREE STORES, INC., et al.,

Defendants.

Case No. 2:14-cv-00831-APG-CWH

**ORDER**

This matter is before the Court on Defendant Dollar Tree's Demand for Security Costs (#3), filed May 27, 2018. Defendant seeks an order requiring Plaintiff to post a non-resident cost bond pursuant to Nevada Revised Statute ("NRS") 18.130(1). Plaintiff initially filed his complaint in Nevada state court on April 29, 2014. After service, Defendant removed the matter to this court based pursuant to 28 U.S.C. §§ 1332 and 1446. Plaintiff is seeking damages for injuries allegedly sustained while on Defendant's premises.


The Federal Rules of Civil Procedure do not contain a provision relating to security of costs. Nevertheless, it has long been the policy of the United States District Court for the District of Nevada to enforce the requirements of NRS 18.130. *Feagins v. Trump Organization*, 2012 WL 925027 (D. Nev.) (citing *Hamar v. Hyatt Corp.*, 98 F.R.D. 305, 305-06 (D. Nev. 1983); *Arrambide v. St. Mary's Hosp., Inc.*, 647 F. Supp. 1148, 1149 (D. Nev. 1986)). The statute requires a non-resident plaintiff to submit an affidavit that it will pay any costs and charges that may be awarded up to \$500.00. In lieu of filing the affidavit, the non-resident plaintiff may post a \$500.00 bond with the court clerk. Absent a showing of indigence, the requirement to provide security in the amount of \$500 per defendant applies to each non-resident plaintiff. *See Truck Ins. Exchange v. Tetzlaff*, 683 F. Supp. 223, 227 (D. Nev. 1988) (citing *Arrambide*, 647 F. Supp. 1148-49). In conformity with NRS 18.130(1), Defendant has filed and served its written demand for security

1 costs. Plaintiff shall have until **Friday, June 27, 2014** to comply with the request. Failure to do so  
2 may result in dismissal of the action under NRS 18.130(4).

3 Based on the foregoing and good cause appearing therefore,

4 **IT IS HEREBY ORDERED** that Plaintiff shall file its affidavit of surety or, alternatively,  
5 post a security bond in compliance with NRS 18.130 by **Friday, June 27, 2014**.

6 DATED: May 28, 2014.

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10 **C.W. Hoffman, Jr.**  
11 **United States Magistrate Judge**  
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